

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,
Plaintiff,

v.

No 1:05cr01849-15 JH

DANA JARVIS, et al,
Defendants.

NOTICE OF UNAVAILABILITY OF DEFENSE COUNSEL

COMES NOW defendant Matthew Hothan through counsel and, for his *Notice of Unavailability of Defense Counsel*, states:

1. Defense counsel Stephen D Aarons will not be available due to previously scheduled matters on the following dates and times:

<u>Date(s)</u>	<u>Matter(s)</u>
15 March – 5 April 2007	<i>US v. Gould</i> , 1:03 cr 02274-001 JB trial

2. Defendant waives under 18 U.S.C. 3161(h)(8)(A) and 3161(h)(8)(B)(iv) any right to speedy trial caused by delay attributed to defendant because of his counsel's unavailability. Despite the exercise of due diligence, the failure to vacate a hearing at which defense counsel cannot attend due to previously scheduled matters would deny effective assistance of counsel. 18 U.S.C. §§3161(h)(8)(B)(iv); *see also United States v. Koblit*z, 803 F.2^d 1523 (11th Cir. 1986).

WHEREFORE defendant requests that the court:

A. Schedule any foreseeable hearings for such time and date, other than those set forth in paragraph one, convenient to all concerned; and,

B. Grant such further relief as justice requires

/s/ Electronic signature

Stephen D Aarons

Counsel for Defendant Hothan

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Certificate of Service

On the date of filing I caused an electronic copy of this pleading to be transmitted to counsel of record.

/s/ Stephen D Aarons

Counsel for Defendant